## FACSIMILE COVER SHEET

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SEP 1 4 2005

#### September 13, 2005

FROM:

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04274649

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RE:

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Pages:

cover + 4

SEP 1 9 2005

OFFICE OF PETITIONS

MESSAGE:

U.S. Patent Application Serial No. 10/828,678 to Dudley et al.

Dear Examiner Jiang,

Attached please find a courtesy copy of a Petition for Suspension of Action Under 37 C.F.R. 1.103(a) which is being filed in the Petitions Office today.

Please do not hesitate to contact us should you have any questions.

Best regards,

Kristi Hutchison

Patent Paralegal to Mark G. Paulson

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS THIS MESSAGE IS INTERDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HERBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS BY MAIL. THANK YOU.

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SEP 1 4 2005

PATENT Docket No. 04274649

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.	S. Pate	nt Application of:	)		
		DUDLEY et al.	)		Δ.
Serial N	lo.:	10/828,678	)	Group Art Unit: 1614	MECELVE
Filed:		April 20, 2004	)	Examiner: Shaojia A. Jiang	SEP, 9 2000
	METH	MACEUTICAL COMPOSITION AND OD FOR TREATING GONADISM	)		YCE OF PETITIONS

## PETITION FOR SUSPENSION OF ACTION UNDER 37 C.F.R. 1.103(a)

#### MAIL STOP PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition for suspension of action by the U.S. Patent & Trademark

Office for the above application in accordance with 37 C.F.R. §1.103(a). Applicants request a

period of suspension of six months. No Official Action is currently pending in this application.

The Petition for Suspension of Action is being filed due to the pending litigations in

Unimed Pharmaceuticals, Inc. and Laboratories Besins Iscovesco v. Watson Pharmaceuticals,

Inc., Northern District of Georgia, Atlanta Division, Case No.: 1:03-CV-2501 and Unimed

Pharmaceuticals, Inc. and Laboratories Besins Iscovesco v. Paddock Laboratories, Inc., Northern

District of Georgia, Atlanta Division, Case No.: 1:03-CV-2503.

The petition fee as set forth in 37 C.F.R. §1.17(g) is authorized for payment on the attached fee transmittal (PTO/SB/17p). Authorization is hereby given to charge any additional fees required by this paper, or to credit any overpayment, to Deposit Account No. 503-121.

CHDB01 1296951.1 13-\$ep-05 17:18

PATENT Docket No. 04274649

If the Examiner or the Petitions Office has any questions with respect to this petition, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

Mark G Paulson

Registration No. 30,793 Telephone: (202) 263-3310

Customer No. 43569 Intellectual Property Group 1909 K Street, N.W. Washington, D.C. 20006-1101 (202) 263-3000 Telephone (202) 263-3300 Facsimile

Date: September 13, 2005

### RECEIVED **CENTRAL FAX CENTER**

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PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid CMB control number.

## **PETITION FEE** Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/828,678
Filing Date	April 20, 2004
First Named Inventor	Dudley et al.
Art Unit	1614
Examiner Name	Shaojia A. Jiang
Attorney Docket Number	04274649

Payment of Fees (small entity amounts are NOT available for the petition fees)    The Commissioner is hereby authorized to charge the following fees to Deposit Account No503-121	Enclosed is a petition filed under 37 CFR 1.17(g) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$\frac{200.00}{\text{is enclosed.}}\$ is enclosed.  This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmitted of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.					
Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For petitions filed under:  1.35(a) to accord a filing date. 1.35(a) to accord a filing date to accord to according the according to according the according to according filing license.  Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464 For petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464 For petition field under: 9.1.18(a) to request to according a filing license.  Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464 For petition according to a foreign filing license.  9.1.18(a) to request documents in a form other than that provided in this part. 9.1.18(a) to according according a periodic provided to according to according a periodic according to according according according to according to according to according to according	The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 503-121    Detition fee under 37 CFR 1.17(f), (g) or (h)   I any deficiency of fees and credit of any overpayments					
Petition Fees under 37 CFR 1.17(f): Fee \$400 Fes Code 1462 For petitions filed under:  9 1.35(e) - to accord a filing date. 91.132 - for decadation on a question not specifically provided for. 91.132 - for decadation on a Question not specifically provided for. 91.132 - for decadation on a Question on petition refusing to accept delayed payment of maintenance fee in an expired patent. 91.174(fb) - to accord a filing date to an application under \$ 1.740 for extension of a patent term.  Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463 For potitions filed under: 91.174 - to filing by either then all the inventors or a person not the inventor. 91.177 - to filing by either then all the inventors or a person not the inventor. 91.198 - for excuragement of information. 91.103(a) - to suspend action in an application. 91.103(a) - to review of information. 91.103(a) - to review of information. 91.103(a) - to review of information. 91.103(a) - to review of information of a statutory invention registration filed on or after the date the notice of intent to publish it seed. 91.136 - for potent over of refused to publish a statutory invention registration filed on or after the date the notice of intent to publish it seed. 91.1377 - for review of decision refusing to accept and record payment of a maintenance fee fleet prior to expiration of a patent. 91.1360 - for patent owner requests for extension of time in interparteur reasonable fleet of the patent owner requests for extension of time in interparteur reasonable fleet of the patent owner requests for extension of time in interparteur reasonable fleet of the patent owner requests for extension of time in interparteur reasonable fleet of the patent. 91.136 - for patent owner requests for extension of time in interparteur reasonable fleet of the patent. 91.136 - for patent documents in a form other than that provided in this part. 91.136 - for request documents in a form other than that provided in this part. 91.137 - to withdraw an application special. 91.137 - t	Check in the amount of \$ is enclosed.					
\$ 1.103(a) - to suspend action in an application. \$ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available. \$ 1.235 - for review of refusal to publish a statutory invention registration. \$ 1.237 - for review of refusal to publish a statutory invention registration filed on or after the data the notice of intent to publish it seved. \$ 1.377 - for review of refusal to except and record payment of a maintenance fee filed prior to expiration of a patent. \$ 1.530(c) - for patent owner requests for extension of time in expanse reexamination proceedings. \$ 1.956 - for patent owner requests for extension of time in expanse reexamination proceedings. \$ 3.12 - for expedited handling of a foreign filing license. \$ 5.15 - for changing the acope of a license. \$ 5.25 - for retroactive license.  Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464  For publiches filed under: \$ 1.19(g) - to request documents in a form other than that provided in this part. \$ 1.91 - for entry of a model or exhibit. \$ 1.102(d) - to make an application special. \$ 1.138(c) - to expressly abandon an application to avoid publication. \$ 1.314 - to defer issuance of a patent.    April	Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.					
\$ 1.103(a) - to suspend action in an application. \$ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available. \$ 1.235 - for review of refusal to publish a statutory invention registration. \$ 1.237 - for review of refusal to publish a statutory invention registration filed on or after the data the notice of intent to publish it seved. \$ 1.377 - for review of refusal to except and record payment of a maintenance fee filed prior to expiration of a patent. \$ 1.530(c) - for patent owner requests for extension of time in expanse reexamination proceedings. \$ 1.956 - for patent owner requests for extension of time in expanse reexamination proceedings. \$ 3.12 - for expedited handling of a foreign filing license. \$ 5.15 - for changing the acope of a license. \$ 5.25 - for retroactive license.  Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464  For publiches filed under: \$ 1.19(g) - to request documents in a form other than that provided in this part. \$ 1.91 - for entry of a model or exhibit. \$ 1.102(d) - to make an application special. \$ 1.138(c) - to expressly abandon an application to avoid publication. \$ 1.314 - to defer issuance of a patent.    April	Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For petitions filed under: § 1.53(e) • to accord a filing date. § 1.57(a) • to accord a filing date. § 1.182 • for decision on a question not specifically provided for. § 1.183 • to suspend the rules. § 1.378(e) • for reconsideration of decision on petition refusing to accept delayed payment of maintenance lee in an expired patent:  § 1.741(b) • to accord a filing date to an application under § 1.740 for extension of a parent term.					
For petitions filed under:  § 1.19(g) - to request documents in a form other than that provided in this part.  § 1.84 - for accepting color drawings or photographs.  § 1.91 - for entry of a model or exhibit.  § 1.102(d) - to make an application special.  § 1.133(c) - to expressly abandom an application to avoid publication.  § 1.1313 - to withdraw an application from issue.  § 1.314 - to defer issuance of a patent.  September 13, 2005  Signature  Date  Mark G. Paulson  30,793	\$ 1.103(a) - to suspend action in an application. \$ 1.38(b) - to review of a request for extension of time when the provisions of section 1.136(a) are not available. \$ 1.295 - for review of a request for publication of a statutory invention registration. \$ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish is sued. \$ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent. \$ 1.550(c) - for patent owner requests for extension of time in an expanse reexamination proceedings. \$ 1.956 - for patent owner requests for extension of time in interpartee reexamination proceedings. \$ 5.12 - for expedited handling of a foreign filing license. \$ 5.15 - for changing the acope of a iloense.					
7 Signature Date Mark G. Paulson 30,793	For petitions filed under:  § 1.19(g) - to request documents in a form other than that provided in this part.  § 1.84 - for accepting color drawings or photographs.  § 1.91 - for entry of a model or exhibit.  § 1.102(d) - to make an application special.  § 1.138(c) - to expressly abandon an application to avoid publication.  § 1.313 - to withdraw an application from issue.					
Mark G. Paulson 30,793	ILS. ML FR Rg. No. 54, 579 September 13, 2005					
	Mark C. Douloon					

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.